VOSH PROGRAM DIRECTIVE: **12-123B** **ISSUED**: **15 December 2012**

Subject **Hazard Communication Standard, 1910.1200; and Other Related Standards in Parts 1910, 1915, and 1926**

Purpose This Program Directive transmits to field personnel federal OSHA's Modified Hazard Communication Standard which has become aligned with the United Nations' Globally Harmonized System of Classification and Labelling of Chemicals (GHS).

This Program Directive is an internal guideline, not a statutory or regulatory rule, and is intended to provide instructions to VOSH personnel regarding internal operation of the Virginia Occupational Safety and Health Program and is solely for the benefit of the program. This document is not subject to the Virginia Register Act or the Administrative Process Act; it does not have general application and is not being enforced as having the force of law.

Scope This directive applies to all VOSH personnel and specifically to Occupational Health Compliance and Consultation Services personnel.

Reference 77 FR 17573 (March 26, 2012)

Cancellation VOSH Program Directive 12-123A (July 1, 1995)

Effective Date January 1, 2013

Action Directors and Managers shall ensure that VOSH personnel understand and enforce the requirements of the revised standard transmitted by this Program Directive.

Courtney M. Malveaux
Commissioner

Distribution: Commissioner of Labor and Industry
Assistant Commissioner - Programs
VOSH Directors and Managers
Legal Support and IMIS Staffs
Cooperative Programs Director and Manager
VOSH Compliance and Cooperative Programs Staffs
OSHA Regional III and Norfolk Area Offices

To access e-Attachment for 77 FR 17573 (March 26, 2012), please click on links below to:
http://www.osha.gov/dsg/hazcom/HCSFinalRegTxt.html
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I. Background.

The current Hazard Communication ("HAZCOM") Standard, in which federal OSHA established the need for disclosure of chemical hazardous information, was initially promulgated in two parts. First, a final rule covering the manufacturing industry was published in the Federal Register in 1983 (48 FR 53280, Nov. 25, 1983); a second final rule covering other general industries, maritime industries, construction industries, and agricultural industries was published in the Federal Register in 1987 (53 FR 31852, Aug. 24, 1987). Federal OSHA's current HAZCOM standard includes the following sections: 29 CFR 1910.1200; 1915.1200; 1917.28 1918.90; and 1926.59.

To protect employees and members of the public who are potentially exposed to hazardous chemicals during their production, transportation, use and disposal, a number of countries have developed laws that require information about those chemicals to be prepared and transmitted to affected parties. The laws vary in the scope of chemicals covered, definitions of hazards, the specification of requirements, e.g., specification of a format for safety data sheets, and the use of symbols and pictograms. The inconsistencies among the various national laws are substantial enough that different labels and safety data sheets must often be developed for the same product when it is marketed in different countries.

For example, within the United States, several regulatory authorities exercise jurisdiction over chemical hazard communication. In addition to federal OSHA's oversight of private sector workplaces, the Department of Transportation (DOT) regulates chemicals in transport; the Consumer Product Safety Commission (CPSC) regulates consumer products; and the Environmental Protection Agency (EPA) regulates pesticides, as well as exercising other authority over the labeling of chemicals under the Toxic Substances Control Act. Each of these regulatory authorities operates under different statutory mandates, and all have adopted distinct hazard communication requirements.

Tracking and complying with the hazard communications requirements of different regulatory authorities is a burden for manufacturers, importers, distributors, and transporters engaged in commerce in the domestic arena. This burden is magnified by the need to develop multiple sets of labels and safety data sheets for each product in international trade.

The problems associated with differing national and international requirements were recognized and discussed when the HAZCOM was first promulgated in 1983. At that time, federal OSHA committed to periodically reviewing its standard in recognition of an interagency trade policy that supported the U.S. pursing international harmonization of requirements for chemical classification and labeling. Federal OSHA has actively participated in many such efforts in the years since that commitment was made, including trades-related discussions on the need for harmonization with major U.S. trading partners. In January 1990, federal OSHA issued a Request for Information (RFI) in the Federal Register to obtain input regarding international harmonization efforts and on work being done at that time by the International Labour Organization (ILO). The majority of the nearly 600 comments received expressed support for a standard safety data sheet format and an opinion favoring a standardized format for labels as well.

In June 1992, the United Nations Conference on Environment and Development issued a mandate supported by the United States calling for the development of a globally harmonized chemical classification and labeling system. This international mandate initiated a substantial effort to develop the GHS, involving numerous international organizations, many countries and extensive stakeholder representation.

On September 12, 2006, federal OSHA published an Advance Notice of Proposed Rulemaking (ANPR) on the GHS, which provided information about the GHS and its potential impact on the HAZCOM and sought input from

the public on issues related to GHS implementation. On September 30, 2009, federal OSHA published a Notice of Proposed Rulemaking (NPRM). This final rule is based on Revision 3 of the GHS.

At its meeting on September 12, 2012, the Safety and Health Codes Board adopted an identical version of federal OSHA's Hazard Communication Standard, §1910.1200; and Other Related Standards in Parts 1910, 1915 and 1926, with an effective date of January 1, 2013.

II. Summary.

Hazard communication in the workplace is currently addressed by many different international, national, and state authorities. These existing requirements are not always consistent and often contain different definitions of hazards and varying provisions for what information is required on labels and safety data sheets (SDSs), formerly known as Material Safety Data Sheets (MSDSs).

In this final rule, federal OSHA modified its Hazard Communication Standard (HAZCOM) in General Industry, Part 1910; Construction, Part 1926; and Shipyard Employment, Part 1915, that contain hazard classification and communication provisions so that they will be internally consistent and aligned with the United Nations' Globally Harmonized System of Classification and Labelling of Chemicals (GHS) and, as a result, would enhance worker safety and facilitate international trade. The modifications to the standard include:

- revised criteria for classification of chemical hazards;
- revised labeling provisions that include requirements for use of standardized signal words, pictograms, hazard statements, and precautionary statements;
- a specified format for safety data sheets; and
- related revisions to definitions of terms used in the standard, and requirements for employee training on labels and safety data sheets.

Federal OSHA also modified provisions of other standards, including standards for flammable and combustible liquids for both General Industry and Construction, §§1910.106 and 1926.152, respectively, to align the requirements of the standards with the GHS hazard categories for flammable liquids. Modifications to the Process Safety Management of Highly Hazardous Chemicals standard, §1910.119, will ensure that the scope of the standard is not changed by the revisions to the HAZCOM. In addition, modifications were made to most of OSHA's substance-specific health standards, to ensuring that requirements for signs and labels and safety data sheets (SDSs) are consistent with the modified HAZCOM.

There are three information communication components in this system – labels, SDSs, and employee training, all of which are essential to the effective functioning of the program. Labels provide a brief, but immediate and conspicuous, summary of hazard information at the site where the chemical is use. SDSs proved detailed technical information and serve as a reference source for exposed employees, industrial hygienists, safety professionals, emergency responders, health care professionals, and other interested parties. Training is designed to ensure that employees understand the chemical hazards in their workplace and are aware of protective measures to follow. Labels, SDSs, and training are complementary parts of a comprehensive hazard communication program—each element reinforces the knowledge necessary for effective protection of employees.

Like federal OSHA, VOSH will use the extended phase-in period for this final rule with the **same federal date schedule for implementation** so that the additional time granted to manufacturers, distributors, and users of chemicals will serve to reduce the transitional costs associated with this rule.

III. Highlights of the Standard

- **Hazard classification**: Chemical manufacturers and importers are required to determine the hazards of the chemicals they produce or import. Hazard classification under the new, updated standard provides specific criteria to address health and physical hazards as well as classification of chemical mixtures.

- **Labels**: Chemical manufacturers and importers must provide a label that includes a signal word, pictogram, hazard statement, and precautionary statement for each hazard class and category.

- **Safety Data Sheets**: The new format requires 16 specific sections, ensuring consistency in presentation of important protection information.

- **Information and training**: To facilitate understanding of the new system, the new standard requires that workers be trained by December 1, 2013 on the new label elements and safety data sheet format, in addition to the current training requirements.

IV. Implementation Schedule for federal OSHA and VOSH

Effective Completion Date	Requirement(s)	Who
December 1, 2013	Train employees on the new label elements and safety data sheet (SDS) format.	Employers
June 1, 2015 **December 1, 2015**	Compliance with all modified provisions of this final rule, except: The Distributor shall not ship containers labeled by the chemical manufacturer or importer unless it is a GHS label.	Chemical manufacturers, importers, distributors and employers
June 1, 2016	Update alternative workplace labeling and hazard communication program as necessary, and provide additional employee training for newly identified physical or health hazards.	Employers
Transition Period to the effective completion dates noted above	May comply with either 29 CFR 1910.1200 (the final standard), or the current standard, or both	Chemical manufacturers, importers, distributors and employers

Hazard Communication Standard, §1910.1200; Final Rule and Other Related Standards in Parts 1910, 1915, and 1926

As Adopted by the

Safety and Health Codes Board

Date: September 12, 2012

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Effective Date: January 1, 2013

Hazard Communication Standard and Other Related Standards
16VAC25-90-1910-- General Industry,
16VAC25-100-1915--Shipyard Employment, and
16VAC25-175-1926 – Construction

Part 1910-GENERAL INDUSTRY- 16VAC25-90-	PART 1910- CONT'D	Part 1926-CONSTRUCTION 16VAC25-175-
Subpart H-Hazardous Materials	1910.1029, Coke Oven Emissions	**Subpart D-Occupational Health and Environmental Controls**
1910.106, Flammable Liquids	1910.1043, Cotton Dust	1926.60, Methylenedianiline
1910.107, Spray Finishing using Flammable and Combustible Materials	1910.1044, 1,2-dibromo-3-chloropropane	1926.62, Lead
1910.119, Process Safety Management of Highly Hazardous Chemicals	1910.1045, Acrylonitrile	Appendix B to 1926.62 – Employee Standard Summary
1910.120, Hazardous Waste Operations and Emergency Response	1910.1047, Ethylene Oxide	1926.64, Process safety management of highly hazardous chemicals
1910.123, Dipping and Coating Operations: Coverage and Definitions	1910.1048, Formaldehyde	1926.65, Hazardous waste operations and emergency response
1910.124, General Requirements for Dipping and Coating Operations	1910.1050, Methylenedianiline	**Subpart F –Fire Protection and Prevention**
1910.125, Additional Requirements for Dipping and Coating Operations that the Flammable Liquids or Liquids with Flashpoints Greater than 199.4°F (93°C)	1910.1051, 1,3-Butadiene	1926.152, Flammable and Combustible Liquids
Subpart Q-Welding, Cutting and Brazing	1910.1052, Methylene Chloride	1926.155, Definitions applicable to this subpart
1910.252, General Requirements	1910.1200, Hazard Communication	**Subpart Z –Toxic and Hazardous Substances**
Subpart Z-Toxic and Hazardous Substances	Appendix A to1910.1200 –Health Hazard Criteria (Mandatory)	1926.1101, Asbestos
1910.1001, Asbestos	Appendix B to1910.1200- Physical Criteria (Mandatory)	1926.1126, Chromium (VI)
1910.1003, Lead	Appendix C to1910.1200 –Allocation of Label Elements (Mandatory)	1926.1127, Cadmium
1910.1017, Vinyl Chloride	Appendix D to1910.1200 – Safety Data Sheets (Mandatory)	
1910.1018, Inorganic Arsenic	Appendix F to1910.1200 – Guidance for Hazard Classifications Re: Carcinogenicity (Non-Mandatory)	
1910.1025, Lead	1910.1450, Occupational Exposure to Hazardous Chemicals in Laboratories	
Appendix B to 1910.1025		
1910.1026, Chromium (VI)	**PART 1915-SHIPYARD EMPLOYMENT 16VAC25-100-**	
1910.1027, Cadmium	**Subpart Z-Toxic and Hazardous Substances**	
1910.1028, Benzene	1915.1001, Asbestos	
	1915.1026, Chromium (VI)	

When the regulations, as set forth in the Final Rule for the Hazard Communication Standard,§1910.1200, and Other Related Standards in Parts 1910, 1915, and 1926, are applied to the Commissioner of the Department of Labor and Industry and/or to Virginia employers, the following federal terms shall be considered to read as below:

Federal Terms	VOSH Equivalent
29 CFR	VOSH Standard
Assistant Secretary	Commissioner of Labor and Industry
Agency	Department
May 25, 2012	January 1, 2013

See Implementation Schedule in Section IV, above.